

COMMITTEE REPORT

MR. PRESIDENT:

The Senate Committee on Elections and Civic Affairs, to which was referred Senate Bill No. 291, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning
- 3 natural and cultural resources.
- 4 Page 1, between the enacting clause and line 1, begin a new
- 5 paragraph and insert:
- 6 "SECTION 1. IC 14-33-5-2 IS AMENDED TO READ AS
- 7 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. (a) At each annual
- 8 meeting of the district, directors shall be elected to fill vacancies on the
- 9 board due to expiration of terms, resignation, or otherwise. The election
- 10 shall be conducted by written ballots. To be elected an individual must
- 11 receive a majority of the votes of the freeholders of the district who are:
- 12 (1) present and voting in person; or
- 13 (2) absent but have mailed or delivered a written **absentee** ballot
- 14 **vote: included in the notice mailed under section 4(b) of this**
- 15 **chapter.**
- 16 (b) A written **absentee** ballot ~~vote~~ must be signed **by the freeholder**
- 17 **casting the ballot** and ~~mailed or delivered~~ **returned:**
- 18 **(1) in person to the district office: location specified in the**
- 19 **notice mailed under section 4(b) of this chapter on or before**
- 20 **the ending time for voting in person on the date of the annual**
- 21 **meeting; or**

(2) by mail to an address specified in the notice mailed under section 4(b) of this chapter.

(c) ~~A~~ An absentee ballot is valid if delivered or received on or before the scheduled date of the annual meeting.

SECTION 2. IC 14-33-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. (a) The annual meeting of the district must be held at the time designated by the court:

(1) at the district's office; or

(2) at a place in or near the district as determined by resolution of the board adopted before December 1 of the year.

(b) Notice of the annual meeting of the district ~~must~~ shall be given as follows:

(1) By one (1) publication in a newspaper of general circulation in each county in the district at least fourteen (14) and not more than thirty-one (31) days before the date fixed in the notice for the annual meeting.

(2) By mail to all freeholders on the list prepared under section 5 of this chapter not later than fourteen (14) days before the date fixed in the notice for the annual meeting. The notice required under this subdivision may be included in a district's periodic billing if the billing is postmarked not later than fourteen (14) days before the date fixed in the notice for the annual meeting.

(c) The notice required by subsection (b) must contain the following:

(1) The names of the nominees.

(2) The place where the election will be held.

(3) The time of the election.

(4) The fact that this is the annual meeting of the district.

(5) The purposes of the meeting.

(6) The time during which in person ballots may be cast.

(d) A mailed notice under subsection (b)(2) must include an absentee ballot and instructions for completing and returning the ballot by mail or in person as required by section 2(b) of this chapter.

SECTION 3. IC 14-33-5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 6. (a) At each annual meeting and before the election of directors, the chairman shall appoint three (3) freeholders of the district who are present at the annual meeting to act as clerks of and conduct the election.

(b) Before the casting of a an in person vote, each freeholder must sign the list of freeholders opposite the freeholder's name in the

1 presence of the secretary of the district. If the clerks find that a
 2 freeholder's name is erroneously omitted from the list, the clerks shall
 3 place the name on the list. The omitted freeholder is then entitled to
 4 cast a ballot.

5 (c) The clerks shall note the fact of receipt of a valid written ballot
 6 vote, **whether cast in person or absentee**, opposite the freeholder's
 7 name who cast that vote. At this time the written ballot vote is
 8 considered cast.

9 (d) At the close of the election poll, the clerks shall count the cast
 10 ballots and make a report of the results. The secretary of the district
 11 shall record the results in the records of the district. The chairman shall
 12 then declare the successful nominees elected, and the elected directors
 13 are entitled to and shall assume all the duties of the office for which
 14 elected.

15 SECTION 4. IC 14-33-5-21 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 21. (a) If the board
 17 issues revenue bonds for the collection, treatment, and disposal of
 18 sewage and liquid waste, the board may do the following:

19 (1) **Subject to sections 21.5, 21.6, and 21.7 of this chapter,**
 20 establish just and equitable rates and charges and use the same
 21 basis for the rates as provided in IC 36-9-23-25 through
 22 IC 36-9-23-29.

23 (2) Collect and enforce the rates, beginning with the
 24 commencement of construction as provided in IC 36-9-23.

25 (3) Establish rules and regulations.

26 (4) Require connection to the board's sewer system of any
 27 property producing sewage or similar waste and require
 28 discontinuance of use of privies, cesspools, septic tanks, and
 29 similar structures. The board may enforce this requirement by
 30 civil action in circuit or superior court as provided in
 31 IC 36-9-23-30.

32 (5) Provide for and collect a connection charge to the board's
 33 sewer system as provided in IC 36-9-23-25 through
 34 IC 36-9-23-29.

35 (6) Contract for treatment of the board's sewage and pay a fair and
 36 reasonable connection fee or rate for treatment, or a combination
 37 of both, as provided in IC 36-9-23-16.

38 (7) Secure the bonds by a trust indenture as provided in
 39 IC 36-9-23-22.

40 (8) Create a sinking fund for the payment of principal and interest
 41 and accumulate reasonable reserves as provided in IC 36-9-23-21.

42 (9) Issue temporary revenue bonds to be exchanged for definite

revenue bonds as provided in IC 36-9-23-17 through IC 36-9-23-20.

(10) Issue additional revenue bonds as part of the same issue if the issue does not meet the full cost of the project for which the bonds were issued as provided in IC 36-9-23-17 through IC 36-9-23-20.

(11) Issue additional revenue bonds for improvements, enlargements, and extensions as provided in IC 36-9-23-18.

(12) Covenant with the holders of the revenue bonds for the following:

(A) Protection of the holders concerning the use of money derived from the sale of bonds.

(B) The collection of necessary rates and charges and segregation of the rates and charges for payment of principal and interest.

(C) Remedy if a default occurs.

The covenants may extend to both repayment from revenues and other money available to the district by other statute as provided in IC 36-9-23.

(b) In the same manner as provided by IC 36-9-23, the rates or charges made, assessed, or established by the district are a lien on a lot, parcel of land, or building that is connected with or uses the works by or through any part of the sewage system of the district. The liens:

(1) attach;

(2) are recorded;

(3) are subject to the same penalties, interest, and reasonable attorney's fees on recovery; and

(4) shall be collected and enforced;

in substantially the same manner as provided in IC 36-9-23-31 through IC 36-9-23-32."

Page 1, line 1, delete "IC 13-26-4-2.5" and insert "IC 14-33-5-21.5".

Page 1, line 3, delete "Sec. 2.5." and insert "**Sec. 21.5.**".

Page 1, line 3, delete "a board election under" and insert "**all districts.**"

(b) Notwithstanding any other law that applies to the establishment of rates and charges by a district, after the introduction of an ordinance establishing rates and charges but before the ordinance is finally adopted, in addition to any other notice required under this chapter, the notice of the hearing setting forth the proposed schedule of rates and charges must be given by mail to all freeholders in the district if the ordinance establishing the rates and charges is introduced after June 30, 2003. A notice

1 mailed under this subsection must be postmarked not later than
 2 ten (10) days before the date fixed in the notice for the hearing. The
 3 notice required under this subsection may be included in the
 4 district's periodic billing if the billing is postmarked not later than
 5 ten (10) days before the date fixed in the notice for the hearing.

6 (c) In the case of an increase or a readjustment in the rates or
 7 charges that is greater than five percent (5%) per year, as
 8 calculated from the rates and charges in effect from the date of the
 9 district's last rate increase before January 1, 2003, the notice
 10 required by subsection (b) must contain a statement informing the
 11 freeholders in the district of the freeholders' right, under section
 12 21.7 of this chapter and IC 36-9-23-26.1, to file a petition objecting
 13 to any ordinance finally adopted by the board that increases the
 14 rates and charges.

15 SECTION 6. IC 14-33-5-21.6 IS ADDED TO THE INDIANA
 16 CODE AS A NEW SECTION TO READ AS FOLLOWS
 17 [EFFECTIVE JULY 1, 2003]: **Sec. 21.6. (a) This section applies to all**
 18 **districts.**

19 (b) The presumption established by IC 36-9-23-25(b) does not
 20 apply to rates and charges established after June 30, 2003, by a
 21 district under section 21 of this chapter.

22 SECTION 7. IC 14-33-5-21.7 IS ADDED TO THE INDIANA
 23 CODE AS A NEW SECTION TO READ AS FOLLOWS
 24 [EFFECTIVE JULY 1, 2003]: **Sec. 21.7. (a) This section applies to all**
 25 **districts.**

26 (b) Notwithstanding any other law that applies to the
 27 establishment of rates and charges by a district, a written petition
 28 objecting to an ordinance finally adopted after June 30, 2003, that
 29 increases or readjusts the rates and charges of the district may
 30 contain the minimum number or proportion of freeholders in the
 31 district described in IC 14-33-2-2 as an alternative to the petition
 32 requirements described in IC 36-9-23-26.1(a)(2). In all other
 33 respects, the procedure provided in IC 36-9-23-26.1 applies to a
 34 written petition filed in accordance with this subsection.

35 SECTION 8. [EFFECTIVE JULY 1, 2003] IC 14-33-5-2,
 36 IC 14-33-5-4, and IC 14-33-5-6, all as amended by this act, apply
 37 to annual meetings of conservancy districts held after June 30,
 38 2003."

39 Page 1, delete lines 4 through 17.

40 Delete pages 2 through 3.

41 Renumber all SECTIONS consecutively.

(Reference is to SB 291 as introduced.)

and when so amended that said bill do pass .

Committee Vote: Yeas 7, Nays 0.

Senator Lawson C, Chairperson